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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1312 OF 2007

Satish Mulji Joshi ..Petitioner

Vs.

Union of India & Ors. ..Respondents

Mr. Mahesh Menon for the Petitioner
Mr. P.S. Jetly with Ms. Heena P. Shah for the
Respondent No.1.

**CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: 23RD AUGUST, 2007**

P.C.:

1. The case of the petitioner is that the property belonging to him which has been leased have been attached by the respondents. The lease subsists upto the 17th February, 2009.

2. The contention of the respondents is that the premises are bonded Warehouse. They have claims against the assessee and in these circumstances the question of handing over possession to the petitioner does not arise.

3. Considering that there is a subsisting lease and the lease has not been terminated it will not be open for us at this stage to exercise our extraordinary jurisdiction. In the light of that it will

be open to the petitioner to apply to the Competent Forum which is available for whatever remedy is available to him at law. If such an application is made the Competent Authority to decide the same according to law.

. With the above observation writ petition disposed of.

(J.P. DEVADHAR, J.)

(F.I.REBELLO, J.)